

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Marco Polo CASTENEDA-Ramirez,

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

FILED

2008 FEB 25 AM 11:54

'08 MJ 0543

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **February 22, 2008** within the Southern District of California, defendant, **Marco Polo CASTENEDA-Ramirez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

Ismael Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **25th** DAY OF **FEBRUARY 2008**.


Nita L. Stormes

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Marco Polo CASTENEDA-Ramirez

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:


On February 22, 2008 at approximately 3:25 P.M., Border Patrol Agent H. Loomis, Jr. was performing uniformed line-watch duties in the Imperial Beach Border Patrol Station area of operations, near an area known as "Libertad Hump." This area is approximately two and a half miles east of the San Ysidro, California Port of Entry and approximately one hundred yards north of the United States/Mexico International Boundary Fence. "Libertad Hump" is commonly used by illegal aliens who purposely circumvent the port of entry to avoid detection of their illegal entry.

At approximately 3:25 p.m. Border Patrol Remote Video Surveillance advised by service radio that one suspected illegal alien had climbed over the secondary fence north of the United States/Mexico International boundary and was walking northbound approximately one eighth of a mile from the secondary fence. Agent Loomis responded to the area and observed a subject later identified as defendant **Marco Polo CASTENEDA-Ramirez** attempting to climb the fence.

Agent Loomis encountered the defendant and identified himself as a Border Patrol Agent and performed an immigration inspection. The defendant admitted to being a citizen and national of Mexico not in possession of any immigration documents which would allow him to enter or remain in the United States legally. Agent Loomis arrested the defendant and was transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on February 20, 2008 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on February 24, 2008 at 9:00 a.m.



Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on February 22, 2008, in violation of Title 8, United States Code, Section 1326.



Nita L. Stormes
United States Magistrate Judge

2-24-08 @ 11:30AM
Date/Time